

REMARKS

Applicants have amended claim 1, to clarify the invention and make explicit what is already implicit. Applicants have deleted the phrase "...correlating the presence or absence of the MMP-9/NGAL complex with the presence or absence-of a tissue remodeling-associated condition ..." and replaced it with the phrase "...wherein the presence of the MMP-9/NGAL complex indicates the presence of a tissue remodeling-associated condition ...". This amendment is supported in the claims as originally filed and throughout the specification. As such, these amendments to not constitute new matter and their entry is respectfully requested.

Claim 81 has been rejected under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement.

Applicants have canceled claim 81, thus the rejection is now moot.

Claims 1, 2, 6, 7, 10, 41, 42, 47, and 48 are rejected under 35 U.S.C §103(a) as being unpatentable over Moses et al (cancer Research, 1998, Vol. 58, pp. 1395-1399) as evidenced by the abstract of Monier et al. (Clinica Chimica Acta, Sep 2000, Vol. 299, pp 11-23) in view of Kjeldsen et al. (Journal of Biological Chemistry, 1993, Vol 268, pp 10425-10432).

Applicants submit herewith an 1.131 Affidavit which antedates the reference of Monier et al. (Appendix 1). As the 1.131 Affidavit indicates, the Applicants arrived at their invention prior to August 17, 2000, the date of receipt of the Monier reference at the library of Massachusetts Institute of Technology, Cambridge Massachusetts (a Stamped copy attached, Appendix 2).

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C §103(a) as being unpatentable over Moses et al (cancer Research, 1998, Vol. 58, pp. 1395-1399) as evidenced by the abstract of Monier et al. (Clinica Chimica Acta, Sep 2000, Vol. 299, pp 11-23) in view of Kjeldsen et al. (Journal of Biological Chemistry, 1993, Vol 268, pp 10425-10432) be withdrawn. Applicants further request that the objection to claim 9 as being dependent upon a rejected base claim also be withdrawn.

Appln. No. 09/977,878
Response to Office Action dated August 26, 2005
Amendment filed February 9, 2006

In view of the following, Applicants respectfully submit that all claims are in condition for allowance. Even if the Examiner disagrees, Applicants respectfully submit that the amendments to the claims, which merely incorporate recitations of claims already being examined, reduces the issues for appeal and thus this amendment should be entered. Early and favorable action is requested.

Respectfully submitted,

Date: 2/10/06



David S. Resnick (Reg. No. 34,235)
Candace M. Summerford (Reg. No. 58,109)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
617-345-6057/1104